IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 31ST MAY 2007 / 10TH JYAISHTA 1929

Crl.Rev.Pet.No. 2115 of 2007()

CRA.110/2006 of II ADDL. SESSIONS COURT, PALAKKAD
ST.2181/2004 of JUDL.MAGISTRATE OF FIRST CLASS COURT-II, PALAKKAD

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REVN. PETITIONER: APPELLANT/ACCUSED

R.VELAYUDHAN, S/O.RAKKAN,
MESSENGER, STATE BANK OF INDIA, PALAKKAD,
ENGLISH CHURCH ROAD, FORT MAIDDAN,
PALAKKAD.

BY ADV. SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P
SRI.M.N.SAJEER

RESPONDENTS: IST & 2ND RESPONDENTS /COMPLAINANT & STATE

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1. SMT.PAZHANIAMMAL, W/O.SADAYAPPA,
THIPPAMPATTI POST, NALLAMPALLI PIRIVU,
POLLACHI, REP. BY THE POWER OF ATTORNEY HOLDER
B.T.SAMPATH, S/O.BALASUBRAMANIAN, NO.35,
CHANDRANAGAR, PALAKKAD.

2. STATE OF KERALA, REP. BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 31/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

CRL.R.P.No.2115 of 2007

Dated this the 31st day of May, 2007

O R D E R

The revision petitioner stands convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for three months and to pay a compensation of Rs.37,000/- to the complainant and in default, to undergo simple imprisonment for one month.

2. The evidence adduced in the matter consisted the testimony of PW1, Exts. P1 to P7 and DW1. The accused has testified as DW1. PW1, the power of the attorney holder of the complainant has proved the execution of the cheque. After the receipt of lawyer notice demanding payment no reply has been issued by the accused. On consideration of evidence adduced in the matter and the findings of the court below which are supported by proper reasons, I find no reasons to interfere in the findings of the court below. The conviction is confirmed.

3. Considering the plea of the counsel for the revision petitioner, the sentence is modified imprisonment till the rising of the court. The rest of the sentence is confirmed. Revision

petitioner is granted four months' time from today onwards to remit the compensation amount. He shall appear before the Judicial First Class Magistrate Court-II, Palakkad on 1.10.2007 to receive the sentence. Non bailable warrant pending, if any, shall be kept in abeyance till 1.10.2007.

The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl